

ANDERSON KILL P.C.

Attorneys and Counselors at Law

1251 AVENUE OF THE AMERICAS ■ NEW YORK, NY 10020

TELEPHONE: 212-278-1000 ■ FAX: 212-278-1733

www.andersonkill.com

Paul M. Kaplan
Shareholder
pkaplan@andersonkill.com
212-278-1023

By E-Filing

August 5, 2021

The Honorable Sarah L. Cave
U. S. Magistrate New York
Southern District Court of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: *Cherotti et al. v. Exphand, Inc. et al.*, no. 20-cv-11102

Dear Judge Cave:

We represent Defendants Frank Nemirofsky and Exphand, Inc., (“Defendants”) in the above-referenced action. We write to request an adjournment of the deadline for Defendants to file their Counterclaims pursuant to the schedule established during the June 23, 2021, conference that both parties attended. This schedule requires Defendants to file their counterclaims on or before August 6, 2021.

Defendants complied with this Court’s June 23, 2021, Scheduling Order, and provided their Federal Rules of Civil Procedure, Rule 26 disclosures and accompanying documents (“Initial Disclosures”) on July 21, 2021. Counsel for Timothy Cherotti and Rosebud Ventures LLC, (“Plaintiffs”) recently provided Plaintiffs Initial Disclosures.

As a result of this recent document exchange, the Parties are hopeful to participate in settlement discussions, and as such the Parties seek an adjournment of the deadline for Defendants to file their Counterclaims to August 20, 2021.

Respectfully,



Paul M. Kaplan
Counsel for Defendants

Defendants' request to adjourn their deadline to file their counterclaims (ECF No. 34) is GRANTED. Defendants shall file their anticipated counterclaims by **August 20, 2021**. Plaintiffs shall answer or otherwise respond to Defendants' anticipated counterclaims by **September 17, 2021**. If Plaintiffs move to dismiss the counterclaims ("Plaintiffs' Motion"), the briefing of Plaintiffs' Motion shall proceed as follows:

1. By **September 17, 2021**, Plaintiffs shall file their Motion;
2. By **October 8, 2021**, Defendants shall file their opposition to Plaintiffs' Motion;
3. By **October 22, 2021**, Plaintiffs shall file their reply, if any.

Except as modified by the Court's order at ECF No. 33, all other terms of the Court's June 23, 2021 Order (ECF No. 27) remain in effect.

The Clerk of Court is respectfully directed to close ECF No. 34.

SO ORDERED 8/6/2021



SARAH L. CAVE
United States Magistrate Judge